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No. 82-1890

IN THE

Supreme Court of the United States

OCTOBER TERM, 1982

CINCINNATI CITY SCHOOL DISTRICT
BOARD OF EDUCATION, *et al.*,

Petitioners,

—VS.—

MARY ANN RONCKER, On Behalf of NEILL RONCKER,
Individually and On Behalf of All Others
Similarly Situated,

Respondents.

ON WRIT OF CERTIORARI TO THE UNITED STATES
COURT OF APPEALS FOR THE SIXTH CIRCUIT

BRIEF IN OPPOSITION TO PETITION FOR A WRIT OF CERTIORARI

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BRIEF IN OPPOSITION TO PETITION FOR A WRIT OF CERTIORARI To the United States Court of Appeals For the Sixth Circuit

OPINIONS BELOW

Opinion of the United States Court of Appeals for the Sixth Circuit.

Judgment Entry of United States Court of Appeals for the Sixth Circuit.

Findings of Fact, Opinion and Conclusions of Law of United States District Court, Southern District of Ohio, Western Division.

Judgment Entry of United States District Court, Southern District of Ohio, Western Division.

Dismissal Entry of State Defendants, United States District Court, Southern District of Ohio, Western Division.

Order Determining Scope of Judicial Review and Denying Class Certification of United States District Court, Southern District of Ohio, Western Division.

Order Conditionally Certifying Class Action of United States District Court, Southern District of Ohio, Western Division.

These Opinions, Orders and Entries appear in the Appendix to the Petition for a Writ of Certiorari.

Resolution of Ohio State Board of

Education on State Level Review of the Impartial Due Process Hearing for Neill Roncker.

Report of Referee to the Ohio State Board of Education.

Opinion of the Impartial Hearing Officer.

These Resolutions, Reports and Opinions appear in the Appendix to this Brief in Opposition.

STATUTES INVOLVED

The Education For All Handicapped Children Act of 1975, 20 U.S.C. Section 1401, et seq.:

20 U.S.C. Section 1401

20 U.S.C. Section 1412

20 U.S.C. Section 1415

The text of these statutes can be found in the Appendix to the Petition for a Writ of Certiorari, beginning at page A55.

The Rehabilitation Act of 1973, 29 U.S.C. Section 701, et seq.:

29 U.S.C. Section 706

29 U.S.C. Section 794

The text of these statutes can be found in the Appendix to this Brief in Opposition, beginning at page A 38.

SUMMARY OF ARGUMENT

This case does not present any of the circumstances which would justify issuance of a Writ of Certiorari. Despite petitioners claim to the contrary, the Judgment and Opinion below did not conflict with the opinion of this Court in Board of Educ. of Hendrick Hudson Central School Dist. v. Rowley, ____ U.S. ____, 102 S.Ct. 3034 (1982). Where the Court of Appeals in Rowley had affirmed a District Court decision overturning the decision of the state agency, the Sixth Circuit here reversed a District Court because that court had ignored the findings of the state agency. Where the State of New York in Rowley had upheld the programming recommendations of the school district, the school district here disagrees with the explicit findings and policy of the State of Ohio. Where the opinion in Rowley dealt with the meaning of 20 U.S.C. Section 1412(1), the Court of Appeals opinion in this case dealt only with 20 U.S.C. Section 1412(5)(B). Thus this case presents a situation which is quite different from Rowley, both factually and legally.

In addition, the school district has by its own actions cast doubt upon whether there continues to be an actual case or controversy in this matter. Under these circumstances, the Petition for a Writ of Certiorari should be denied.

ARGUMENT

I. THERE IS NO CONFLICT BETWEEN THE DECISION BELOW AND ANY DECISION OF THE SUPREME COURT.

Petitioners cite, as their sole reason for requesting the issuance of a Writ of Certiorari in this case, an alleged conflict between the Judgment and Opinion of the United States Court of Appeals for the Sixth Circuit in this case and that of the Supreme Court in Board of Education of Hendrick Hudson Central School District v. Rowley, ____ U.S. ____, 102 S.Ct. 3034 (1982). In fact, no such conflict exists.

First of all, Rowley involved a Court of Appeals decision which conflicted with state policy, while this case involves a Court of Appeals decision which conforms to state policy on mainstreaming but which is opposed by a single school district. Secondly, this case primarily involves a section of federal law which was not at issue in Rowley.

Petitioners correctly note that, as stated in Rowley, 102 S.Ct. at 3052, Congress left questions of educational

methodology to the states. They fail, however, to understand the import of that Congressional decision for their case. The role of the State of Ohio in this case is quite different from that of New York in Rowley. There, the recommendation of the school district -- that Amy Rowley be educated in a regular first-grade classroom with an FM hearing aid, tutoring, and speech therapy, but without the services of a sign-language interpreter -- had been upheld by the independent examiner and, on appeal, by the New York Commissioner of Education. 102 S.Ct. at 3039-40. By contrast, in this case, the recommendation of the Cincinnati City School District -- that Neill Roncker attend a school for mentally retarded children only, which would provide him with absolutely no contact with non-handicapped children (Pet., at 3) -- was rejected by both the impartial hearing officer and by the State Board of Education. The hearing officer ordered "that Neill Roncker be placed within the appropriate special education class in the regular elementary school setting." A35. On Appeal, the State Board of Education appointed

a referee, who specifically found that "Neill needs the opportunity to interact with and model non-handicapped peers in activities appropriate to his needs such as lunch, recess periods, and transportation." App. at A25. The referee's report was then approved by the State Board of Education. App. at A3. Thus, this is not a case where the Court of Appeals failed to give due weight to the findings of the state agency. Indeed, it was the failure of the district court to consider those findings which lead to the Sixth Circuit's decision. Pet. at A7-8.

In addition, the State of Ohio has, if anything, strengthened its policy in favor of mainstreaming handicapped children since its review of the impartial due process hearing for Neill Roncker. On July 14, 1981, in implementation of the Settlement Agreement entered into between all state defendants and the plaintiff (Pet., at A29 et seq.), Defendant Franklin B. Walter, the Superintendent of Public Instruction of the State of Ohio, issued a memorandum to all school district superintendents in the

state regarding "Placement of Handicapped Children in the Least Restrictive Environment," in which he stated Ohio policy to be that:

> In an I.E.P. conference with parents, school districts may propose placement of a handicapped child in a separate educational facility when the assessment team, upon review of the multifactored interdisciplinary evaluation and continuum of alternative placements, determines a separate educational facility to be necessary for the provision of an appropriate education. If such a determination is made, the child's I.E.P. must specify the need(s) which necessitate placement in a separate educational facility. (Emphasis added).

Pet., at A40.

Clearly, the Sixth Circuit's Judgment that the District Court determine whether the services required by Neill Roncker can feasibly be provided in a regular school is compatible with Ohio policy that handicapped children be educated in regular schools unless the child's needs necessitate placement in a separate educational facility. Thus it is the school district alone which here opposes the emphasis on mainstreaming found in

the Education for All Handicapped Children Act, 20 U.S.C. Section 1401 et seq., in Ohio policy, Pet. at A40, and in the State Board of Education decision in this case, at A 1-3 . In such a case, the courts are not bound to defer to the placement recommendation of the school district. Springdale School District v. Grace, 693 F.2d 41 (8th Cir. 1982), cert. den. ____ U.S. ____, 51 U.S.L.W. 3823 (May 16, 1983).

Petitioners' claim that the Opinion below conflicts with Rowley also fails to take into account the fact that this case turns on a completely different section of the law than did Rowley. In that case, the parties disagreed over the meaning of 20 U.S.C. Section 1412(1), which assures to each handicapped child the right to a free appropriate public education. By contrast, the Court of Appeals in this case interpreted a separate statutory provision, 20 U.S.C. §1412 (5)(B), which requires that, "to the maximum extent appropriate, handicapped children, including children in public or private institutions or other care facilities, are educated with children

who are not handicapped. . ." The dispute in this case centers around the appropriate educational placement for Neill Roncker; in Rowley, both parties agreed that Amy Rowley should be educated in a regular first-grade classroom. 102 S.Ct. 3039. Thus this case simply presents a different question from that decided in Rowley. Cf. Springdale School District v. Grace, 693 F.2d 41 (8th Cir. 1982), cert. den. ____ U.S. ____, 51 U.S.L.W. 3823 (May 16, 1983).

II. RECENT DEVELOPMENTS CAST DOUBT UPON THE CONTINUED EXISTENCE OF A CASE OR CONTROVERSY.

It is axiomatic that the judicial power of the United States extends only to situations in which an actual case or controversy exists. U.S. CONST. Art. III, Section 2, cl. 1. Moreover, a change in circumstances, even one occurring after the decision of the Court of Appeals, may moot a previously existing case or controversy. Kremens v. Bartley, 431 U.S. 119 (1977).

In the instant case, the petitioners have maintained all along that there are children, Neill Roncker among them,

who cannot be educated appropriately in public school buildings. This position was maintained by petitioners as late as oral argument before the Court of Appeals in May, 1982.

On December 8, 1982, however, the petitioner Cincinnati City School District, over the signature of Assistant Superintendent Willis Holloway, sent a letter to all parents within the district whose children attended programs operated by the Hamilton County Board of Mental Retardation. A49-50.In that letter Dr. Holloway stated that, over the 1983-84 and 1984-85 school years, Cincinnati "would provide programs in public school buildings for all children whose parents request it." Id.

Such action by the Cincinnati City School District would in fact provide the relief that respondent Mary Ann Roncker has been seeking since the inception of this suit. Thus the public commitment by Cincinnati to take this action over the next two school years casts grave doubt on whether there currently exists a case or controversy. In such a case, the Judgment and Opinion of the Court

of Appeals, remanding this case to the District Court for additional findings of fact, is clearly an appropriate one, and the issuance of a Writ of Certiorari at this time would be clearly inappropriate.

CONCLUSION.

Petitioners have requested the issuance of a Writ of Certiorari in this case on the grounds that the Judgment and Opinion of the United States Court of Appeals for the Sixth Circuit are in conflict with the opinion of this Court in Board of Education of Hendrick Hudson Central School District v. Rowley, ____ U.S. ____, 102 S.Ct. 3034 (1982). Petitioners ignore, however, the fact that here, unlike the situation in Rowley, it is the school district which finds itself opposed to the educational policy of the State. Petitioners also ignore the fact that the Judgment below turned upon a statutory provision not involved in Rowley. Finally, petitioners themselves, through their written communications with parents of mentally retarded children in Cincinnati, have created doubt as to whether there still exists a case

or controversy between the parties. For these reasons, respondents respectfully urge that the Petition for a Writ of Certiorari to the United States Court of Appeals for the Sixth Circuit be denied.

Respectfully submitted,

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APPENDIX

RESOLUTION ON STATE LEVEL REVIEW OF THE IMPARTIAL DUE PROCESS HEARING FOR NEILL RONCKER

WHEREAS under the provisions of Public Law 94-142, Revised Code Section 3323.05, and State Board of Education Standard 3301-51-16, Cincinnati City School District provided an impartial due process hearing on behalf of Neill Roncker pursuant to the request of his parents, Robert and Mary Ann Roncker; and

WHEREAS the Cincinnati City School District appealed the placement decision of the impartial hearing officer; and

WHEREAS Claudia J. Dillahunty, Esquire, was duly appointed as referee to review the record of the impartial due process hearing, take additional evidence if deemed appropriate pursuant to law, and issue a report and recommendations thereon to the State Board of Education; and

WHEREAS the Referee has reviewed the entire record of the impartial due process hearing and has submitted her report and recommendations to the State Board of Education; and

WHEREAS the Referee's report is incorporated herein by reference and recommends that the State Board of Education issue a final order:

1. Finding that Cincinnati's decision to place Neill Roncker in the trainable mentally retarded program at the Dyer School of the Hamilton County Board of Mental Retardation is an appropriate placement in accordance

with law as long as Neill is provided with the opportunity to interact with nonhandicapped peers in a regular school setting in appropriate activities such as lunch, recess periods, and transportation;

2. Directing the Superintendent of the Cincinnati City School District to revise the May 10, 1979, IEP for Neill to include a description of the extent of Neill's participation in the regular school program and to implement the revised IEP as soon as possible in a manner appropriate to Neill's handicap; and

3. Reversing the finding of the Impartial Hearing Officer McConn that Neill's special education class must be provided in a regular elementary school setting;

and

WHEREAS copies of the Referee's report and recommendations were mailed to the parties; and

WHEREAS attorneys for both parties submitted objections to the report; and

WHEREAS the State Board has duly considered the objections and finds that the objections are not well taken: Therefore, be it

RESOLVED, That the recommendations of Referee Claudia J. Dillahunty are approved; and, be it

FURTHER RESOLVED, That the Superintendent of Public Instruction be directed to notify the parties and counsel of this final order.

It was moved by Mr. Meckstroth and seconded by Mr. Blake that the foregoing Resolution be approved. The President called for a voice vote on the motion. Motion carried. (The following Board members indicated a "nay" vote: Rev. Garrett, Mr. Grosser, Mrs. Jacobs, Mr. Lavin, Mrs. Oliver, Mr. Russo, and Mrs. Schildhouse.)

I certify that the foregoing is a true and correct copy of the action taken by the State Board of Education at its meeting on November 12, 1979.

Columbus, Ohio
November 13, 1979

Franklin B. Walter,
Secretary

BEFORE THE OHIO STATE BOARD OF EDUCATION

In the Matter of the Educational Placement of Neill Roncker

REPORT OF REFEREE

October 23, 1979

1. Nature of Proceeding

This review arises out of an appeal by the Cincinnati City School District Board of Education under the provisions of Section 3323.05, O.R.C., and State Board Standard 3301-51-16(D)(5). Cincinnati appeals from the decision of Impartial Hearing Officer (IHO) Philip K. McConn concerning the appropriate educational placement of Neill Roncker, son of Mr. and Mrs. Robert Roncker. IHO McConn's decision was issued August 9, 1979, following an open, impartial due process hearing held on July 26, 1979.

IHO McConn ruled that Neill "... be placed within the appropriate special education class in the regular elementary school setting." (IHO Report, page 3). In so ruling, the IHO stated:

> I feel that the Cincinnati Board of Education has failed to meet the burden of proof, which requires them to show that Neill Roncker has been placed to the maximum extent appropriate with non-handicapped children in his educational placement. As previously stated, there is doubt in my mind of Neill's ability to attend the regular first grade setting, however, this hearing officer feels that he has to follow Federal law and State Law in deciding this matter, and since the present law requires that Neill Roncker be placed to the maximum extent appropriate for his education with non-handicapped children, the Board of Education has not met the burden of proof that its placement in the 169-TMR program complies with the law. (IHO Report, pg. 3)

Cincinnati filed a timely appeal on August 28, 1979, for a review of the IHO decision by the State Board of Education. Also, Cincinnati requested the opportunity to present an additional witness. The parents, through counsel, asked the State Board to consider as part of the appeal the manner in which Cincinnati has implemented the IHO's decision. Subsequently, the State Board appointed the Referee herein to "review the record of said matter, take additional evidence if deemed appropriate, pursuant

to law, and issue a report and recommendation thereon to the State Board of Education." (See State Board minutes of April 11, 1977, Item 13, and letter of Superintendent Walter to Referee dated September 10, 1979.)

Under the authority of State Standard 3301-51-16 and federal regulation 45 C.F.R. §121a.510(b)(3), the Referee granted Cincinnati's request to present the testimony of Mrs. Margaret Rost, Superintendent of the Hamilton County 169 Board Education Program. Mrs. Rost participated in Neill's placement decision and was scheduled to testify at the IHO hearing but was unable to do so because of an emergency. Her testimony was presented to the Referee at a hearing on October 16, 1979, in Columbus.

The record on appeal consists of materials from the hearings held July 26 and October 16, 1979. The materials from the July 26 hearing include (1) magnetic tapes of the hearing, 1 through 6; (2) documentary evidence consisting of Joint Exhibit A, School Board Exhibits 1 through 12, and Parent Exhibits 1a through 1u and 2 through 4; and (3) the decision of the IHO. The record from

the October 16 hearing includes one magnetic tape. The matter was submitted to the Referee by written briefs by counsel for Cincinnati and for the parents.

2. Scope of Review

The ultimate responsibility of the State Board of Education in this appeal is to issue a final order regarding the educational placement of Neill Roncker, based upon an impartial review of the procedures undertaken by, and the evidence submitted to, the IHO. (Section 3323.05 (F), O.R.C.; Standard 3301-51-16(D)(5))

The findings of fact and conclusions of law contained herein constitute the independent decision of the Referee, arrived at upon completion of her review of all the evidence and consideration of the applicable law. (20 U.S.C. §1415(c))

3. The Issues

Generally, the primary issue presented in this appeal concerns the appropriate special education placement for Neill Roncker. Specifically, the issue is whether the Cincinnati Superintendent's decision to place Neill in the Dyer School of the Hamilton County 169 Program for the 1979-80 school year was the least

restrictive alternative and otherwise in accordance with law. The least restrictive provision of law requires that Neill be educated with non-handicapped children to the maximum extent appropriate. The superintendent has the burden of proof as to the adequacy and appropriateness of the educational placement. (Standard 3301-51-16(D)(4)(d)(vi))

An additional issue concerns how the school district has implemented the IHO's decision that Neill be placed in an appropriate special education class in a regular public elementary school.

Neither party has raised any issue concerning the procedures of the IHO hearing. Therefore, the Referee will consider only the issues mentioned above.

4. Summary of Evidence

a. The Child and his Preschool Education

Neill Roncker is a six year old handicapped child who resides in the Cincinnati City school district. Neill has been evaluated several times by the Cincinnati Center for Developmental Disorders (hereinafter "Cincinnati Center"). Neill was evaluated in 1975 when he was

2 1/2 years old and was diagnosed as having a seizure disorder; functioning in the moderately retarded range intellectually and mildly retarded range adaptively; and having markedly delayed expressive language. (Board Exhibit 8, hereinafter "Bd. ___") He was evaluated in 1977 when he was 4 years old. With the seizure disorder he was diagnosed as functioning in the high moderately retarded range intellectually and adaptively with language functioning at 14 to 16 months. (Bd. 7) In both evaluations, the Cincinnati Center recommended that Neill attend preschool and receive language therapy.

Neill attended preschool classes at the Arlitt Child Development Center (hereinafter "Arlitt") of the University of Cincinnati from 1976 to 1979. At Arlitt, Neill was the subject of a case study on a handicapped child who is mainstreamed with nonhandicapped children. (Parent Exhibit 2, hereinafter "Pt. ___")

Dr. Rosalind Williams, a witness for the parents, was Special Services Coordinator at Arlitt when Neill attended preschool. She testified there were

15 preschoolers in Neill's classes. In his last year at Arlitt, there was one other handicapped child in the class. In addition to the teacher, there were two aides. One aide was assigned specifically to work with Neill. (Pt. 2)

Both Dr. Williams and Ms. Gwen Agna, Neill's teacher at Arlitt for two years, testified as to Neill's program, goals and progress at Arlitt. His program included typical nursery school activities such as books, puzzles, art, music, free play, and lunch. The major goals for Neill were language development and independence in self-help and social skills. Dr. Williams and Ms. Agna tesified Neill had made some progress in language development and great progress in independence and social skills.

Dr. Williams testified when Neill was first enrolled at Arlitt, he would isolate himself; he would not explore the room; and he would not interact with the other children. He began to progress but regressed when he was ill with meningitis during the first year. He originally needed constant adult supervision but had become more independent

by the end of the third year. She believed the teacher reinforcement and examples set by other children affected his independence. Neill progressed to where he observes other children, likes being with them, and imitates them.

Dr. Williams also believed Neill's language development had been affected by the nonhandicapped children as well as the teacher. He began to realize what communication was and tried to respond to others by gestures or words. Dr. Williams believed the contact with nonhandicapped children had been a learning tool for Neill and he benefitted from such contact.

Ms. Agna collaborated (sic) Neill's progress at Arlitt and testified she had seen him progress from a dependent isolated child to one who could function independently and would seek out other children. Neill interacted with the other handicapped child as well as the nonhandicapped children. In social skills, he would participate in group activities for up to thirty minutes and not disrupt them and would play next to and with other children.

As to his self-help development, Neill at first was unable to function independently at lunch. In his last year at Arlitt, he functioned independently at lunch by using a fork and spoon, not interfering with other children, scraping his plate clean, and placing his plate on the proper shelf.

While at Arlitt, Neill progressed in his understanding of words spoken to him but made small progress in expressing more than one word utterances. In his progress, Ms. Agna believed Neill benefitted from contact with nonhandicapped children as he observed and responded to them and abided by the limits they set in the classroom.

Two expert witnesses for the parents at the IHO hearing were Dr. Michael Guralnick, Director of the Nisonger Center for Mental Retardation at Ohio State University, and Dr. Nancy Klein, a fulltime faculty member in special education at Cleveland State University. Both witnesses had been involved in experimental educational programs wherein handicapped children had the opportunity to interact with nonhandicapped children.

Both had reviewed Neill's records from Arlitt and evaluations by the Cincinnati Center and believed Neill needed special education programming with emphasis on language therapy and development of self-help and social skills.

Dr. Guralnick testified that Neill could benefit from interaction with nonhandicapped children, particularly in lunch, gym, and free play, as Neill has the characteristics of a child who should be mainstreamed. These characteristics include observational skills and imitating others and interpersonal skills such as outwardness; liking to be with and seeking approval from other children; and engaging in play beside other children.

Dr. Klein testified she believed Neill could benefit from contact with nonhandicapped children in development of his language and social skills. She believed he could benefit from such interaction in lunch, recess, and art and music classes. Both experts felt that Neill's needs could be met in a special education class in a regular public school. Both testified that Neill's development would be delayed

if he were denied interaction with non-handicapped children in his educational program.

b. Current Evaluation of Neill

As Neill approached school age, he was again evaluated by the Cincinnati Center in 1979 for assistance in determining his appropriate educational program. The Cincinnati Center functioned as a multidisciplinary evaluation team and the results of their findings are reflected in Board Exhibits 1, 2, 3, 6, 9, and 10. At almost 6 years of age, Neill was diagnosed as functioning in the severely retarded range intellectually and in the profoundly retarded range adaptively. (Bd. 6) His estimated ability to understand language was indicated at no more than 24 months and his ability to express language was no more than 16 months. (Id.) The evaluation team determined Neill would probably function in the trainable mentally retarded range and recommended he receive special education by attending 169 Board pre-school classes with occupational and speech therapy. (Id.)

In the educational evaluation by

the Cincinnati Center, the educator reported the following general impression of Neill:

> Neill gives the impression of being a toddler who is beginning to assert himself except for gross motor functioning, which is at the 3 year level. He has made very little progress in the past two years. Fine motor functioning is in the 24-29 month range; language and cognition are at the two year level. (Emphasis added.) (Bd. 10, page 2)

The speech evaluation of Neill in 1979 was conducted by Dr. Robert Lupella, who testified at the IHO hearing. He was familiar with Neill's communication problems with both receptive and expressive language. From previous evaluations, he had seen improvement in Neill's language growth but relatively less growth in expressive language. (Bd. 3) He testified he believed Neill's progress was due to maturation and the influence of the environment at home and at Arlitt. He had observed Neill at Arlitt in his language therapy class and preschool class. In his report and testimony, Dr. Lupella expressed concern that Neill

had been in an educational program for several years and had received speech and language therapy and both had not produced significant results in his ability to communicate. (Bd. 3)

Dr. Lupella recommended that Neill be placed in a structured program and believed the TMR-169 program could provide the structured classes which Neill needs. In his testimony, he stressed the importance of continued language therapy which he felt Neill could use on a daily basis. Dr. Lupella believed Neill's language development might be helped by being around nonhandicapped children but believed the development would not be impaired by being in a class with handicapped children.

The current psychological evaluation was conducted by Psychologist Carolyn Davies of the Cincinnati Center who also testified at the hearing. Ms. Davies reported that Neill's measured mental age was two years and his adaptive social behavior was below his mental age. (Bd. 1) Neill could feed himself but was not toilet trained and had no dressing skills. (Id.)

In her report and in testimony, Ms. Davies expressed concern that Neill's mental and adaptive development were decreasing as he grew older. In the previous testing of Neill at the Cincinnati Center, she had seen his measured mental ability change from the low, normal range, then to the moderately retarded range, and presently to the severely retarded range. She believes Neill is functioning in the trainable mentally retarded range at present.

Ms. Davies recommended a change in school placement as she believed that level of instruction at Arlitt was above Neill mentally even if it had been good for him socially and emotionally. She recommended that Neill be in an academic program at his present level of readiness. She testified she would prefer that such program also provide interaction with nonhandicapped children.

c. Placement Recommendation by Cincinnati

The evaluations and recommendation of the team at the Cincinnati Center were considered by the Cincinnati school placement team in May 1979. The placement

team members were Mr. Charles Miller, Director of Psychological Services; Dr. Beverly Veatch, also with Psychological Services; and Mrs. Bernadine Kessinger and Mrs. Margaret Rost of the Hamilton County Board of Mental Retardation (hereinafter "county board"). (Bd. 11)

The placement team unanimously recommended that Neill be placed for special education in the 169 classes for the trainable mentally retarded of the county board. In so recommending, the placement team considered input from Neill's parents and Ms. Agna. Ms. Agna did not protest the 169 recommendation but expressed concern about the lack of opportunity for interaction with nonhandicapped children in the 169 program.

The parents did not agree with the team's recommended placement for Neill so they did not sign the individualized education program (IEP) for him which was developed at a May 10, 1979 conference. (Bd. 12) They did agree as to Neill's needs for special education and the related services outlined in the IEP which include speech and language therapy, occupational therapy, physical therapy, transportation, and counseling. (Id.)

There is nothing indicated in the item identified as "Extent of Participation in Regular Educational Program" in the IEP. (Bd. 12) However, this must be read as "zero" since there was no recommendation that Neill attend regular school for academic or nonacademic activities.

Mr. Charles Miller was chairman of the placement team and a witness for Cincinnati at the IHO hearing. He testified that after considering the Cincinnati Center evaluations and the input by the parents and the Arlitt teacher, the team decided the TMR-169 program was the most appropriate placement for Neill. The team did not consider alternative placements as the evidence clearly indicated that Neill's particular needs could be met by the program and services of the county board. Mr. Miller was familiar with Cincinnati's school programs and he testified to his opinion that Neill's needs could not be met in a regular public school setting for art, music, lunch, or recess. He did not personally evaluate Neill or observe him in the program at Arlitt.

Mrs. Bernadine Kessinger is Director of Services to Children at the county board and she testified at the hearing on behalf of Cincinnati. she indicated

the TMR-169 program is under the supervision of the State Department of Education and the State Department of Mental Health and Mental Retardation and is chartered by both agencies.

Mrs. Kessinger participated in the placement decision and felt the TMR-169 program was the least restrictive and most appropriate program for Neill. She testified that all the students in the TMR program are handicapped and the program uses a curriculum for the moderately retarded. The primary program focuses on such areas as self-help skills, behavior skills, and communication skills. Programs are individualized to each child. The learning process permeates the program and lunch, recess, art and music are part of the curriculum and are taught by people trained in special education. There are generally 12 students to a class but the children may be in larger groups for assemblies or be grouped by ability for certain activities.

Mrs. Kessinger stated the comprehensive program at Dyer School allowed the handicapped children to engage in extracurricular activities such as basketball and cheerleading.

She believed it would be difficult to duplicate the consolidated TMR program offered at Dyer if it were housed in scattered classrooms in different public schools.

Mrs. Margaret Rost, Superintendent of the County Board's Program for Retarded Children, testified at the October 16, 1979 hearing. She also believed the consolidated TMR program was more beneficial to handicapped children than scattered programs in various public schools. She had been an administrator with the county board program since 1960 and had seen the change from a TMR program scattered in different public school sites to a consolidated program.

Mrs. Rost participated in Neill's placement recommendation and believed the county board TMR program would be appropriate for his educational needs. She stated there are no nonhandicapped students at Dyer but there are some nonhandicapped secondary students who volunteer to help with the classes.

The relationship of the county board TMR program to Cincinnati schools was discussed at the IHO hearing by Dr.

Willis Holloway, Assistant Superintendent at Cincinnati, and Mr. Harold Powell, Director of Special Education Programs for Cincinnati. Dr. Holloway described the TMR-169 program as Cincinnati's program for the severely retarded and as an extension of the services which Cincinnati has available to handicapped students. (Pt. 4 at page 10) Mr. Powell described the TMR-169 program as one in a continuum of services which are available to handicapped students. He stated that a child placed in the TMR program is reevaluated periodically and may be changed to another program when appropriate and after parent consultation.

In Cincinnati's application for special education funds for Fiscal Year 1979, the TMR-169 class is listed as a self-contained special class in a special public day school. (Pt. 3 at page A-17) Cincinnati received funding for its TMR program whereby 428 children were served by the county board and 41 children received home instruction. (Id.)

5. Requirements of Law

Both state and federal law require that a free, appropriate education be available to each handicapped child. Further, each handicapped child must be educated to the maximum extent appropriate with children who are not handicapped. (Section 3323.04, O.R.C.) The requirement is explained in state regulation as:

> That is, to the maximum extent appropriate, the handicapped child is educated with children who are not handicapped, and that special classes, separate schooling, or other removal of handicapped children from the regular educational environment occurs only when the nature or severity of the handicap is such that education in regular classes, with the use of supplementary aids and services, cannot be achieved satisfactorily. (Standard 3301-51-18(A)(8)(a))

Also, federal regulation states this requirement applies to nonacademic activities:

> In providing or arranging for the provision of nonacademic and extracurricular services and activities, including meals, recess periods, and ... each public agency shall insure that each handicapped child participates with nonhandicapped children in those services and activities to the maximum extent

appropriate to the needs of that child. (45 C.F.R. §121a.553)

The comment section to the above federal regulations states:

This requirement is especially important for children whose educational needs necessitate their being solely with other handicapped children during most of each day. (45 C.F.R. §121a.553)

6. Finding of Fact

The Referee hereby makes the following findings of fact:

a. Neill Roncker suffers from a seizure disorder and is a severely mentally retarded child. Educationally, he functions at the trainable mentally retarded level.

b. Neill attended Arlitt preschool classes for three years where most of his classmates were nonhandicapped and the classes were taught by a teacher and two aides.

c. At Arlitt, Neill progressed in social and self-help skills and changed from an isolated, withdrawn child to one who observed, imitated, and played with and beside the other children. In communication skills, his receptive language increased but he made very little

progress in expressive language at Arlitt.

d. In addition to Neill's ability to observe and imitate other children, he likes to be with other children and seeks approval from them.

e. Neill needs a structured special education program with the level of instruction at his present level of ability and with particular emphasis on speech and language therapy. The program should also develop his self-help and social skills.

f. Neill needs the opportunity to interact with and model nonhandicapped peers in activities appropriate to his needs such as lunch, recess periods, and transportation.

g. Cincinnati offers a special education program for its trainable mentally retarded students through the Hamilton County Board of Mental Retardation. All the students in the county board TMR program are handicapped. The county board TMR program is chartered by the State Board of Education and operates under its standards and the standards of the Department of Mental Health and Mental Retardation.

h. The TMR-169 county board program at Dyer School will provide Neill with a structured special education program and related services but placement in such program will not provide him with the opportunity to interact with non-handicapped peers.

7. Conclusions of Law

The Referee reaches the following conclusions of law:

a. Under State Board Standard 3301-51-16, the Superintendent has the burden of showing the appropriateness of the educational placement of a handicapped child. In the opinion of the Referee, Cincinnati has not entirely met this burden in the placement of Neill in a program which offers no opportunity for interaction with nonhandicapped children.

b. Cincinnati has shown that Neill needs the structured special education program and related services which are available in the TMR-169 program and which were listed in his IEP. Thus, Cincinnati has shown that the nature and severity of Neill's handicap warrants his removal from the regular educational environment in order to maximize his

educational experience.

c. Cincinnati has not shown that no participation in the regular school program is appropriate for Neill's educational needs. Neill has the ability to observe and imitate other children and likes to be with them. He will benefit in the development of his social and language skills by exposure to and interaction with nonhandicapped peers. This interaction can be provided in the regular school setting in nonacademic activities such as lunch, recess periods, and transportation. As Neill progresses, he may be able to benefit from placement in regular classes in academic subjects such as music and art.

d. Cincinnati must educate Neill in academic and nonacademic programs in the regular school setting to the maximum extent appropriate to his needs. To do so, Cincinnati may need to provide an aide to enable Neill to participate in regular school activities such as lunch, recess, and transportation. However, in the opinion of the Referee, the law does not require Cincinnati to

recreate or duplicate the comprehensive TMR-169 program in a regular elementary school building. Cincinnati may meet Neill's special education needs through the existing TMR-169 program as long as provisions are made for his interaction with nonhandicapped peers.

e. Neill's individualized education program developed on May 10, 1979 must be revised to describe the extent of Neill's participation in the regular school program as discussed above.

8. Cincinnati's Implementation of the IHO Decision

The parents have requested the Referee to "...recommend that the State Board of Education order the Cincinnati Public Schools to immediately implement the provisions of Neill's Individualized Education Program." (Parents' brief to Referee at page 12) The Referee will briefly discuss their request as she believes it has been covered by the above-listed conclusions of law.

IHO McConn ordered that Neill be placed in an appropriate special education class in a regular elementary school setting. In an effort to comply with

the order during their appeal to the State Board, Cincinnati placed Neill in a special education "transitional" class in a regular public school. (Cincinnati's brief to Referee at page 15) The normal function of the transitional class is to assist Cincinnati in evaluating the nature of a child's handicapping condition. The class is taught by a special education teacher and an aide and a speech therapist works with the class. Cincinnati did not indicate whether Neill is receiving individual speech and language therapy.

The parents contend the transitional program does not provide Neill with an appropriate program as it does not include all the services listed in the IEP developed for Neill. (Bd. 12) The IEP was written in conjunction with Neill's placement in the TMR-169 program. Such placement was rejected by IHO McConn.

The Referee believes the intent of the IHO's order was that Cincinnati duplicate the TMR-169 program in a regular elementary school and provide Neill with the services outlined in his IEP. However, the Referee believes the IHO erred in

finding that Cincinnati must duplicate the TMR program in order to provide Neill with the opportunity to interact with nonhandicapped peers. The requirement of law can be met by placing Neill in the existing TMR program and also providing him with exposure to nonhandicapped peers in appropriate activities in the regular school setting.

Thus, while the Referee believes Cincinnati's placement of Neill in the transitional class was a good faith effort to comply with the IHO's order, the placement does not provide Neill with an appropriate educational program designed to meet his unique needs. As indicated, an appropriate program can be provided by implementing the provisions of Neill's IEP along with providing Neill with appropriate participation in the regular school program.

9. **Recommendations**

Based on her review of the evidence and the above findings of fact and conclusions of law, the Referee recommends the State Board of Education issue a final order:

a. finding that Cincinnati's decision to place Neill Roncker in the trainable

mentally retarded program at the Dyer School of the Hamilton County Board of Mental Retardation is an appropriate placement in accordance with law as long as Neill is provided with the opportunity to interact with nonhandicapped peers in a regular school setting in appropriate activities such as lunch, recess periods, and transportation;

b. directing the Superintendent of the Cincinnati City School District to revise the May 10, 1979 IEP for Neill to include a description of the extent of Neill's participation in the regular school program, and to implement the revised IEP as soon as possible in a manner appropriate to Neill's handicap; and

c. Reversing the finding of Impartial Hearing Officer McConn that Neill's special education class must be provided in a regular elementary school setting.

Respectfully submitted,

Claudia J. Dillahunty
Referee

October 23, 1979

IMPARTIAL HEARING

CINCINNATI BOARD OF EDUCATION

APPEAL OF:	:	
Mr. & Mrs. Robert Joseph Roncker, on behalf of Neill Roncker	:	OPINION OF
-vs-	:	IMPARTIAL HEARING OFFICER
Board of Education Cincinnati City School District	:	

This matter came on for impartial hearing on the 26th day of July, 1979, at the Cincinnati Board of Education Office, Claude V. Courter Education Center, 230 East Ninth Street, Cincinnati, Ohio. Both parties were present; Dr. Holloway, on behalf of the Board of Eduation of Cincinnati City School District, and Mr. & Mrs. Robert Roncker, in person, both represented by counsel.

In reviewing the law, the school district must place Neill Roncker to the maximum extent appropriate with non-handicapped children in his educational placement. Also, according to the standards for Special Education promulgated by

the Ohio Department of Education, in order to carry out the law, the school district bears the burden of proof of showing the placement they have made for Neill's education complies with State and Federal Law.

The Cincinnati School District has placed Neill Roncker in the 169-TMR Program beginning in the fall of 1979, and there has been evidence presented by way of exhibits introduced and testimony from witnesses that the decision made by the Cincinnati School District in the placement of Neill Roncker is for his best interest. There has also been exhibits introduced and testimony of witnesses that the 169-TMR Program is not the proper program for Neill Roncker under both State and Federal Law. Another fact that makes the decision of the hearing officer difficult in this matter, is the fact that Neill will be entering the first grade, and for the first time will be attempting to either begin his education under the 169-TMR program or be assigned to the regularly scheduled first grade classes so that he can associate with other children of his age, and,

of course, have special education structured to this ability while being assigned to the regular first grade. There is doubt in the mind of the impartial hearing officer as to Neill's ability to attend the regular first grade setting, however, I don't believe that the complete answer is available to this question until he is assigned to the first grade and the attempt is made.

It is clear under the law that Neill's placement can be reviewed at least yearly and probably more often if it is so required.

As previously stated, it is very difficult for this impartial hearing officer to adequately determine how Neill will be able to handle assignment to a regular first grade class since he has no history of this type of assignment. Neill has had a history for the past three and one-half years of attending the Arlitt Child Development Program and has made some progress while attending there. However, I realize that this program is of an experimental type and has an adult assigned to a fewer number of pupils than can be expected or can

be hoped for in the regular first grade, with special education.

I feel that the Cincinnati Board of Education has failed to meet the burden of proof, which requires them to show that Neill Roncker has been placed to the maximum extent appropriate with non-handicapped children in his educational placement. As previously stated, there is doubt in my mind of Neill's ability to attend the regular first grade setting, however, this hearing officer feels that he has to follow Federal Law and State Law in deciding this matter, and since the present law requires that Neill Roncker be placed to the maximum extent appropriate for his education with non-handicapped children, the Board of Education has not met the burden of proof that its placement in the 169-TMR program complies with the law. It is the finding of this hearing officer that Neill Roncker be placed within the appropriate special education class in the regular elementary school setting.

Philip K. McConn,
Impartial Hearing
Officer

CERTIFICATE OF SERVICE

I hereby certify that a copy of the within Opinion of Impartial Hearing Officer was mailed by regular mail to Patricia W. Morrison, Assistant City Solicitor, Attorney for the Cincinnati Board of Education, and Barry Cohen, Attorney for Mr. & Mrs. Robert Joseph Roncker, and a copy of the within Opinion of Impartial Hearing Officer was mailed by certified mail, return receipt to James N. Jacobs, Superintendent of Schools, Mr. & Mrs. Robert Joseph Roncker, and to Franklin B. Walter, Superintendent of Public Instruction, this 9th day of August, 1979.

Philip K. McConn

CONSTITUTIONAL PROVISIONS

U.S. CONST., Art. III, Section 2, Clause 1:

> Section 2. The judicial Power shall extend to all cases in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority;—to all Cases affecting Ambassadors, other public Ministers and Consuls;—to all Cases of admiralty and maritime Jurisdiction;—to Controversies to which the United States shall be a Party;—to Controversies between two or more States;—between a State and Citizens of another State;—between Citizens of different States,—between Citizens of the same State claiming Lands under Grants of different States, and between a State, or the Citizens thereof, and foreign States, Citizens or Subjects.

§ 706. Definitions

For the purposes of this chapter:

(1) The term "construction" means the construction of new buildings, the acquisition, expansion, remodeling, alteration, and renovation of existing buildings, and initial equipment of such buildings, and the term "cost of construction" includes architects' fees and acquisition of land in connection with construction but does not include the cost of offsite improvements.

(2) The term "criminal act" means any crime, including an act, omission, or possession under the laws of the United States or a State or unit of general local government which poses a substantial threat of personal injury, notwithstanding that by reason of age, insanity, intoxication or otherwise the person engaging in the act, omission, or possession was legally incapable of committing a crime.

(3) The term "designated State units" means (A) any State agency unit required under section 721(a) (2)(A) of this title, or (B) in cases in which no such unit is so

required, the State agency described in section 721(a)(B)(i) of this title.

(4) The term "establishment of a rehabilitation facility" means the acquisition, expansion, remodeling, or alteration of exising buildings necessary to adapt them to rehabilitation facility purposes or to increase their effectiveness for such purposes (subject, however, to such limitations as the Secretary may determine, in accordance with regulations he shall prescribe, in order to prevent impairment of the objectives of, or duplication of, other Federal laws providing Federal assistance in the construction of such facilities), and may include such additional equipment and staffing as the Commissioner considers appropriate.

(5) The term "evaluation of rehabilitation potential" means, as appropriate in each case:

(A) a preliminary diagnostic study to determine that the individual has a substantial handicap to employment, and that vocational rehabilitation services are needed;

(B) a diagnostic study consisting of a comprehensive evaluation of pertinent medical,

psychiatric, psychological, vocational, educational, cultural, social, and environmental factors which bear on the individual's handicap to employment and rehabilitation potential including, to the degree needed, an evaluation of the individual's personality, intelligence level, educational achievements, work experiment opportunities, and other pertinent data helpful in determining the nature and scope of services needed;

(C) an appraisal of the individual's patterns of work behavior and ability to acquire occupational skill, and to develop work attitudes, work habits, work tolerance, and social and behavior patterns suitable for successful job performance, including the utilization of work, simulated or real, to assess and develop the individual's capacities to perform adequately in a work environment;

(D) any other goods or services provided for the purpose of ascertaining the nature of the handicap and

whether it may reasonably be expected that the individual can benefit from vocational rehabilitation services;

(E) referral;

(F) the administration of these evaluation services; and

(G)(i) the provision of vocational rehabilitation services to any individual for a total period not in excess of eighteen months for the purpose of determining whether such individual is a handicapped individual, a handicapped individual for whom a vocational goal is not possible or feasible (as determined in accordance with section 702(c) of this title), or neither such individual; and (ii) an assessment, at least once in every ninety day period during which such services are provided, of the results of the provision of such services to an individual to ascertain whether any of the determinations described in subclause (i) may be made.

(6) The term "Federal share" means 80 per centum, except that it shall mean 90 per centum for the purposes of part C of subchapter I of this chapter and as specifically set forth in section 771(b)(3) of this title: Provided, That with respect to payments pursuant to part B of

subchapter I of this chapter to any State which are used to meet the costs of construction of those rehabilitation facilities identified in section 923(b)(2) of this title in such State, the Federal share shall be the percentages determined in accordance with the provisions of section 771(b)(3) of this title applicable with respect to that State and that, for the purpose of determining the non-Federal share with respect to any State, expenditures by a political subdivision thereof or by a local agency shall, subject to such limitations and conditions as the Secretary shall by regulation prescribe, be regarded as expenditures by such State.

(7)(A) Except as otherwise provided in subparagraph (B), the term "handicapped individual" means any individual who (i) has a physical or mental disability which for such individual constitutes or results in a substantial handicap to employment and (ii) can reasonably be expected to benefit in terms of employability from vocational rehabilitation services provided pursuant to subchapters I and III of this chapter.

(B) Subject to the second sentence of this subparagraph, the term "handicapped individual"

means, for purposes of subchapters IV and V of this chapter, any person who (i) has a physical or mental impairment which substantially limits one or more of such person's major life activities, (ii) has a record of such an impairment, or (iii) is regarded as having such an impairment. For purposes of sections 793 and 794 of this title as such sections relate to employment, such term does not include any individual who is an alcoholic or drug abuser whose current use of alcohol or drugs prevents such individual from performing the duties of the job in question or whose employment, by reason of such current alcohol or drug abuse, would constitute a direct threat to property or the safety of others.

(8) The term "local agency" means an agency of a unit of general local government or of an Indian tribal organization (or combination of such units or organizations) which has an agreement with the State agency designated pursuant to section 721(a)(1) of this title to conduct a vocational rehabilitation program under the supervision of such State agency in accordance with the State plan approved under section 721 of this title. Nothing in the preceding sentence of this paragraph or in section 721 of this title shall be construed to prevent the local

agency from utilizing another local public or nonprofit agency to provide vocational rehabilitation services: Provided, That such an arrangement is made part of the agreement specified in this paragraph.

(9) The term "nonprofit", when used with respect to a rehabilitation facility, means a rehabilitation facility owned and operated by a corporation or association, no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual and the income of which is exempt from taxation under section 501(c)(3) of Title 26.

(10) The term "public safety officer" means a person servicing the United States or a State or unit of general local government, with or without compensation, in any activity pertaining to—

(A) the enforcement of the criminal laws, including highway patrol, or the maintenance of civil peace by the National Guard or the Armed Forces,

(B) a correctional program, facility, or institution where the activity is potentially dangerous because of contact with criminal suspects, defendants, prisoners,

probationers, or parolees,

(C) a court having criminal or juvenile deliquent jurisdiction where the activity is potentially dangerous because of contact with criminal suspects, defendants, prisoners, probationers, or parolees, or

(D) firefighting, fire prevention, or emergency rescue missions.

(11) The term "rehabilitation facility" means a facility which is operated for the primary purpose of providing vocational rehabilitation services to handicapped individuals, and which provides singly or in combination one or more of the following services for handicapped individuals: (A) vocational rehabilitation services which shall include, under one management, medical, psychiatric, psychological, social, and vocational services, (B) testing, fitting, or training in the use of prosthetic and orthotic devices, (C) prevocational conditioning or recreational therapy, (D) physical and occupational therapy, (E) speech and hearing therapy, (F) psychiatric, psychological and social services, (G) evaluation of rehabilitation potential, (H) personal and work adjustment, (I) vocational training with a view toward career advancement (in combination with other rehabilitation services),

(J) evaluation or control of specific disabilities, (K) orientation and mobility services to the blind, and (L) extended employment for those handicapped individuals who cannot be readily absorbed in the competitive labor market, except that all medical and related health services must be prescribed by, or under the formal supervision of, persons licensed to prescribe or supervise the provision of such services in the State.

(12) The term "Secretary", except when the context otherwise requires, means the Secretary of Education.

(13) The term "severe handicap" means the disability which requires multiple services over an extended period of time and results from amputation, blindness, cancer, cerebral palsy, cystic fibrosis, deafness, heart disease, hemiplegia, mental retardation, mental illness, multiple sclerosis, muscular dystrophy, neurological disorders (including stroke and epilepsy) paraplegia, quadriplegia and other spinal cord conditions, renal failure, respiratory or pulmonary dysfunction, and any other disability specified by the Secretary in regulations he shall prescribe.

(14) The Term "State" includes the District of Columbia, the Virgin Islands, Puerto Rico, Guam, American Samoa, and the Trust Territory of the Pacific Islands, and for the

purposes of American Samoa and the Trust Territory of the Pacific Islands, the appropriate State agency designated as provided in section 721(A)(1) of this title shall be the Governor of American Samoa or the High Commissioner of the Trust Territory of the Pacific Islands, as the case may be.

(15) The term "vocational rehabilitation services" means those services identified in section 723 of this title which are provided to handicapped individuals under this chapter.

§ 794. Nondiscrimination under federal grants and programs; promulgation of rules and regulations

No otherwise qualified handicapped individual in the United States, as defined in section 706(7) of this title, shall, solely by reason of his handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance or under any program or activity conducted by an Executive agency or by the United States Postal Service. The head of each such agency shall promulgate such regulations as may be necessary to carry out the amendments to this section made by the Rehabilitation, Comprehensive Services, and Developmental Disabilities Act of 1978. Copies of any proposed regulation shall be submitted to

appropriate authorizing committees of the Congress, and such regulation may take effect no earlier than the thirtieth day after the date on which such regulation is so submitted to such committees.

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CINCINNATI PUBLIC SCHOOLS

Claude V. Courter

Education Center

230 East Ninth Street Cincinnati, Ohio 45202

December 8, 1982

Dear Parent:

The Cincinnati City School District has begun its planning for the 1983-84 school year. Part of the planning will provide for additional programs for youngsters presently attending 169 facilities, if parents request it. Therefore, it is important that you, as a parent, decide which placement option you prefer for your child.

In discussion with the Hamilton County Board of Mental Retardation (169), it has become apparent that the best interests of the children could be served by a plan, completed over a two year time span, which would provide programs in public school buildings for all children whose parents request it. Therefore, in the 1983-84 school year, the initial emphasis will be on programs for those children aged 5 through 10. The following year the emphasis will be on older children.

Because we will need time to identify appropriate classroom locations, employ staff, meet with parents, and re-evaluate some of the children, it is extremely important that you make your wishes known to us at this time.

Please check your preference, complete the bottom portion of this letter, and return it in the enclosed envelope by December 17.

Sincerely,

Willis Holloway, Ed.D.
Assistant Superintendent
Department of Student Services

_____ I wish my child to be placed in a 169 facility.

_____ I wish my child to be placed in a public school building.

Child's Name _____
Date of Birth _____

Parents Signature _____

Address _____
Telephone _____

Telephone (1-513) 369-4000